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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,750	03/05/2002	Michael A. Weimer	271-101P-WLK	7011

7590

10/22/2003

LAW OFFICE OF WILLIAM L. KLIMA, P.C.  
P.O. Box 2855  
Stafford, VA 22555-2855

EXAMINER
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ARNOLD III, TROY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 10/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,750

Applicant(s)

WEIMER, MICHAEL A.

Examiner

Troy Arnold

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "configured to simulate a motor vehicle" does not positively recite or claim a motor vehicle. Therefore, the references to "said motor vehicle" in claims 1, 5-8, 10, 13, 16, 17, 19, 21 and 22 have no antecedent basis and are indefinite. Claims 5 and 6 are redundant to claim 1. Claim 7 is redundant claim 5. Claims 10, 13, 16 and 17 modify an item with no antecedent basis in the claims, making the claims indefinite; the vehicle being mimicked may have a hood or trunk, but there is no distinct requirement that the cooler have one. This makes claims 11, 12, 14 and 15 indefinite. There is no antecedent basis for "said hood" in claim 15. In claim 20, what exactly is the Applicant claiming? Is the Applicant claiming a cooler resembling a vehicle, attached to a boat on a trailer, for example?

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Teel. Hartman teaches all the limitations of claim 1 except the wheels being configured to allow a user to roll the cooler. (Hartman's wheels may rotate and allow the user to roll his cooler, but he is silent on the subject.) Teel teaches a cooler which simulates a vehicle which has wheels configured to allow a user to roll his cooler. It would have been obvious in view of Teel to one of ordinary skill in the art at the time the invention was made to make the wheels of the Hartman cooler roll so as to make his cooler easier to transport. Regarding claim 2, Hartman teaches a handle with a hole through it in the front of his cooler. Regarding claims 3 and 4, Hartman teaches a hand grip seen in plan view at the rear of the vehicle in Figs 3 and 4, which is configured to allow a user to lift the cooler. The limitations of claims 5-8 are clearly taught by Hartman. Hartman teaches all the limitations of claim 9 except wheel wells. Teel teaches wheel wells. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate wheel wells into the invention of Hartman for the purpose of reducing user contact with wheel dirty surfaces. Furthermore, wheel wells would appear to be a matter of design choice, and an aesthetic consideration only. Regarding claims 18 and 20, Hartman teaches a headlamp attachment which is another type of attachment. Hartman clearly teaches the limitations of claims 19, 21 and 22. Furthermore, these limitations are clearly a matter of design choice, and are therefore not patentable.

Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Teel, and further in view of Lieblein. Hartman as modified teaches all the limitations of claims 10-17 except an operational hood and trunk, both of which provide closure to a compartment. (It does appear that Hartman's hood provides closure to a compartment, but he is silent on the subject.) It would have been obvious in view of Lieblein to one of ordinary skill in the art at the time the invention was made to incorporate a hood and a trunk which provide closure to compartments into the invention of Hartman in order to make his cooler more versatile and usable.

Applicant is also directed to the other references cited but not relied upon which teach a variety of different coolers with simulations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Arnold whose telephone number is 703-305-0621. The examiner can normally be reached on Tuesday-Thursday, 9:30-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Troy Arnold

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Examiner  
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TGA  
10/20/03

A handwritten signature in black ink, appearing to read "Mickey Yu", is positioned above the printed name and title.

Mickey Yu  
Supervisory Patent Examiner  
Group 3700